

# Minnesota Public Employment Relations Board

## REQUEST FOR COMMENTS

### **Possible Adoption of Rules Governing the Hearing of Charges and Appeals of Unfair Labor Practices Under Minnesota Statutes, § 179A. Revisor's ID Number R-04345.**

**Subject of Rules.** The Minnesota Public Employment Relations Board (PERB) requests comments on its possible adoption of rules governing its procedures and standards for resolution of unfair labor practices under the Public Employment Labor Relations Act, Minnesota Statutes, § 179A. PERB considers both appeals from the Commissioner of the Bureau of Mediation Services under Minnesota Statutes, § 179A.12, subd. 11, and unfair labor practices cases involving charitable hospitals under Minnesota Statutes, § 179.11 and 179.12, and in the public sector under § 179A.13. Review of decisions of the Commissioner and allegations of unfair labor practices have previously been within the jurisdiction of the Minnesota courts. The administrative hearing procedures proposed here are in large part modeled after other state and federal rules related to unfair labor practice proceedings. Because the PERB is a newly created agency, it may also use this rulemaking to address administrative and/or other issues necessary for the operations of the PERB.

**Persons Affected.** Adoption of these rules would likely affect those public employees, unions representing public employees, and public employers involved in charges of unfair labor practices under, Minnesota Statutes, § 179.11, 179.12, and 179A.13. Charitable hospital employers and their employees are covered. Minnesota Statutes, § 179A.135.

**Statutory Authority.** Minnesota Statutes, § 179A.041 subd. 4, requires the Board to adopt rules governing its procedure, and Minnesota Statutes, § 179A.041 subd. 7 requires the Board to adopt rules governing procedures and standards for hearing appeals under the Public Employment Labor Relations Act, Minnesota Statutes, § 179A. Both of these rulemaking provisions were enacted as amendments to Chapter 179A, in H.F. # 3014, Laws of Minnesota 2014, chapter 211. This chapter became effective on July 1, 2014. The Board's jurisdiction over unfair labor charges and decisions of the Commissioner regarding unfair labor practices commences July 1, 2016, in accordance with Laws 2015, First Special Session, Chapter 1, Article 7, Section 1. The PERB has commenced consideration of rules and now requests comments on this rulemaking.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Board has not yet drafted these rules.

**Agency Contact Person.** Comments, questions, requests to receive a draft of the rules when prepared, and requests for more information on these possible rules should be directed to:

Steve Hoffmeyer at PERB, 1380 Energy Lane, Suite #1, St. Paul, Minnesota 55110-5253, (651) 325-6210, Steven.Hoffmeyer@state.mn.us

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: October 5, 2015

David Biggar, Chair  
Public Employment Relations Board